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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,442	08/01/2001	Linden Waterman	2754	6109
27727	7590	12/16/2004	EXAMINER	
PEDERSEN & COMPANY, PLLC P.O. BOX 2666 BOISE, ID 83701			VILLECCO, JOHN M	
			ART UNIT	PAPER NUMBER
			2612	
DATE MAILED: 12/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,442

Applicant(s)

WATERMAN ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-15 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 76. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:
- On page 5, lines 4 and 16 applicant recites the word "lense". This appears to be a typographical error and that the applicant meant to use the word -lens -.
- Appropriate correction is required.

Claim Objections

3. Claim 15 is objected to because of the following informalities:

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- In lines 1 and 2 of claim 15, applicant recites the limitation of “the holder is set on the platform and not attached to the holder”. This wording is unclear. More specifically, it is unclear how the holder can “not be attached to the holder”. For examination purposes it will be assumed that the applicant meant to use the limitation of – the holder is set on the platform and not attached to the platform –.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-3, 5, 9, 10, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettinardi (U.S. Patent No. 5,325,123) in view of Sass et al. (U.S. Patent No. 4,996,775).**

6. Regarding *claim 1*, Bettinardi discloses a camera for visually impaired people that can be used to magnify text or objects and presented on a video screen for display. As shown in Figure 1 the camera has a longitudinal axis.

Bettinardi, however, teaches that the camera is handheld and does not use a holder or platform when view a subject. Sass, on the other hand, discloses that it is well known in the art to use a holder and a platform when imaging an object in order to simplify the imaging procedure. More specifically, Sass discloses an image scanner (10), holder (template tray, 14), and a

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platform (guide, 50). The image scanner (10) includes a longitudinal axis, which is interpreted to be the axis from the cabling (12) to the top/front of the scanner (10). The template tray (14) has a length, running from the bottom of the tray, shown in Figure 2, to the top of the tray. The tray (14) receives the scanner (10) so that the scanner longitudinal axis is parallel to the holder length. The guide (50) rests on the object to be viewed and slidably receives the tray (14). When sitting in the guide (50), the tray (14) is laterally slidable across the tray in a direction perpendicular to the length of the tray and the camera longitudinal axis. See column 2, line 31 to column 3, line 42. This invention solves the problem of an unsteady operators hand and also serves as a less strenuous method of moving a camera or scanner over a subject. See column 1, lines 21-42. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the handheld camera of Bettinardi to be placed in a guide in order for a more steady image to be captured and also for less strenuous operation of the camera.

7. As for *claim 2*, Sass discloses that the guide (50) includes a horizontal support surface (marginal area, 60) for removably receiving the tray (14), and a vertical guide surface (ribs, 54) abutting against the tray (14). The marginal area and the ribs serve to guide the tray in a lateral direction as the tray slides across the guide (50).

8. With regard to *claim 3*, Sass teaches that the guide includes a second marginal area spaced from the first marginal area, which also removably receives the tray (14). Furthermore, the tray (14) slides laterally on both the marginal areas.

9. Regarding *claim 5*, Sass teaches that the guide is generally planar (col. 2, line 33) which has an outer perimeter edge and an interior opening defined by the first and second ribs. The marginal area (60) extends horizontally into the interior opening.

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10. As for *claim 9*, Sass teaches that the guide (50) includes ribs (54) and a marginal area (60), which are interpreted to be rails extending from the platform.

11. With regard to *claim 10*, Bettinardi discloses a prior art device in the Background of the Invention in which a plastic spacer is placed over top of the object in order to keep the camera at a specific distance. This feature allows for a camera that is spaced away from an object to be always focused. Therefore, it would have been obvious to allow the holder of Sass to space the camera away from the object being photographed so that it is constantly focused on the object no matter what the desired magnification.

12. Regarding *claim 13*, Sass discloses that the guide (50) has a bottom surface which pinches the sheet being scanned between the base (64) and the guide. This feature results in the sheet being frictionally gripped.

13. As for *claim 14*, Sass discloses that the holder is removably received on the guide (50).

14. With regard to *claim 15*, Sass discloses that the tray (15) is not attached to the guide (50).

15. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bettinardi (U.S. Patent No. 5,325,123) in view of Sass et al. (U.S. Patent No. 4,996,775) and further in view of Dudek (U.S. Patent No. 5,239,759).**

16. Regarding *claim 4*, as mentioned above in the discussion of claim 2, both Bettinardi and Sass disclose all of the limitations of the parent claim. Additionally, Sass discloses that a second rib (54) which serves as the second vertical guide surface spaced apart from the first vertical guide surface. However, neither of the aforementioned references discloses that second rib guides the holder in a lateral direction as the holder slides on the first support surface (marginal

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area, 60). Dudek, on the other hand discloses that it is well known in the art to include a support structure in which both sides of a handheld scanner are supported at the same time, as is claimed. In Figure 4A, Dudek shows guide rails which serve to guide the handheld scanner. The guide rails support the scanner on both sides. As disclosed in column 4, lines 54-68, this serves as a highly precise way of imaging data. When used in conjunction with Sass, a support system would be created in which the holder slides laterally along the second vertical guide (rib, 54) while also sliding on the first support surface (marginal area, 60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the optical scanner supported on both sides as in Dudek so that a more highly precise imaging method is achieved.

17. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bettinardi (U.S. Patent No. 5,325,123) in view of Sass et al. (U.S. Patent No. 4,996,775) and further in view of Priest et al. (U.S. Patent No. 5,046,163).**

18. Regarding *claim 6*, as mentioned above in the discussion of claim 1, both Bettinardi and Sass disclose all of the limitations of the parent claim. However, neither of the aforementioned references specifically discloses that the camera is adjustable in a direction parallel to the camera longitudinal axis by means of a threaded connection to the holder. Priest, on the other hand, discloses that it is well known in the art to include a threaded connection in a magnification type camera in order to adjust the magnification of the subject. More specifically, Priest discloses a screw (42) threadedly engaged with a member in order to move the camera further to or closer to the subject. This allows the user to adjust the magnification of the object to their liking. See

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column 3, lines 40-68. Therefore, it would have been obvious to one of ordinary skill in the art to include a threaded screw in combination with Bettinardi and Sass in order to adjust the magnification of the subject, thus offering the user more options during viewing.

19. **Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettinardi (U.S. Patent No. 5,325,123) in view of Sass et al. (U.S. Patent No. 4,996,775) and further in view of Tanahashi (U.S. Patent No. 5,519,511).**

20. Regarding *claim 11*, as mentioned above in the discussion of claim 2, both Bettinardi and Sass disclose all of the limitations of the parent claim. However, neither of the aforementioned references discloses that the platform has a bottom resting surface and a thickness from the first support surface, so that the holder is distanced from the object to be viewed and so that the holder does not come into contact with the object to be viewed. Tanahashi, on the other hand, discloses a guide mechanism which includes a first support member and a first guide member and a bottom surface distanced from the support member. As shown in Figure 3, Tanahashi discloses a scanner guide (20) which directs a scanner (10) over a subject. The scanner guide includes a slide edge (25) which engages the slide groove (15) of the scanner. Furthermore, the scanner guide (20) includes a transparent plate (22) for covering the object being scanned. The transparent plate (22) has a thickness. Furthermore, the transparent plate prevents the object being scanned from contacting the scanner. This function protects the scanner and object from being damaged. Therefore, it would have been obvious to one of ordinary skill in the art to construct the camera and guide of Bettinardi and Sass in such a manner as to include a bottom resting surface in the platform so that the camera does not come into contact with the object

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being scanned, thereby preventing damage to the camera or the object being scanned. See column 4, lines 32-60 and column 5, lines 39-48.

21. With regard to *claim 12*, as mentioned above in the discussion of claim 1, both Bettinardi and Sass disclose all of the limitations of the parent claim. However, neither of the aforementioned references discloses that the platform is translucent. Tanahashi, on the other hand, discloses a scanner guide (20) that includes a transparent plate (22) for covering the object being scanned. Furthermore, the transparent plate prevents the object being scanned from contacting the scanner. This function protects the scanner and object from being damaged. Therefore, it would have been obvious to one of ordinary skill in the art to construct the camera and guide of Bettinardi and Sass in such a manner as to include a translucent platform so that the camera does not come into contact with the object being scanned, thereby preventing damage to the camera or the object being scanned. See column 4, lines 32-60 and column 5, lines 39-48.

Allowable Subject Matter

22. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23. The following is a statement of reasons for the indication of allowable subject matter:

Regarding *claim 7*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest that the threaded connection comprises the camera having an enclosure having enclosure threads, and the enclosure threads engaging a threaded mount ring, wherein the mount ring is rotatably mounted in the holder, wherein rotating

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the mount ring on its axis moves the camera enclosure up and down relative to the mount ring and the holder.

24. Claims 16-19 are allowed.

25. The following is an examiner's statement of reasons for allowance:

Regarding *claim 16*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest an extender plate on the platform slidably receiving the holder.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington VA, Sixth Floor (Receptionist).

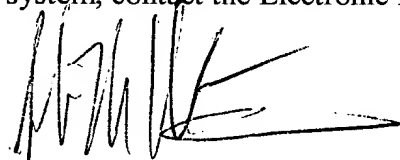
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460.


The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
December 9, 2004



AUNG MOE
PRIMARY EXAMINER